

While the FCC seems to have the best interests of consumers in mind, from a consumer perspective this rule is unnecessary and will ultimately leverage additional charges onto consumers. Nothing in this rule prevents wireless providers, such as AT&T and Verizon, from passing the cost of these required usage alerts onto consumers, which they are very likely to do.

Also, the FCC lacks any statutory authority to issue such a rule. The authority pointed to by the FCC, namely sections 301, 303, 307, and 316, do not provide the authority that the FCC thinks it does. The only language the FCC can adequately rely on, which is what they are doing, is the “public interest, convenience, or necessity” language. While the “bill shock” rule is in the public interest, convenience, or necessity, that is not alone enough to be within the statutory authority of the FCC. Unlike §307 and §316, this rule is not about issuing licenses, but is about requiring a company to provide a service.

From a personal responsibility perspective, this rule punishes wireless service providers for the irresponsibility of their subscribers. When I was travelling in Canada I was acutely aware of the existence of roaming charges when connecting to a network other than AT&T’s, taking personal responsibility to assure I was not charged what are undoubtedly ridiculous fees. While the fees may be outrageous, they can be avoided simply by taking some responsibility. I do not believe it to be the purpose of the FCC, an agency created to regulate the airwaves, to protect consumers from themselves. Companies already provide ways, free of charge, for consumers to check their data usage. Forcing companies to provide these alerts is ultimately going to result in additional charges on consumers when wireless providers begin looking for ways to pay for these alerts. Not to mention that wireless providers are already taking measures to make sure consumers are not charged outrageous costs. For example, AT&T will simply charge consumers for an additional 2MB of data (\$15) if they exceed their \$15 2MB plan, instead of charging per megabyte.

All in all, the FCC (1) does not have the authority to promulgate this rule and (2) should not punish wireless providers for the irresponsibility of its customers.